

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

FEDERAL TRADE COMMISSION,  
STATE OF ARIZONA,  
STATE OF CALIFORNIA,  
DISTRICT OF COLUMBIA,  
STATE OF ILLINOIS,  
STATE OF MARYLAND,  
STATE OF NEVADA,  
STATE OF NEW MEXICO,  
STATE OF OREGON, and  
STATE OF WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and  
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347-AN

**ORDER GRANTING  
PLAINTIFF FEDERAL TRADE  
COMMISSION'S MOTION TO AMEND  
STIPULATED PROTECTIVE ORDER**

Upon consideration of Plaintiff Federal Trade Commission's Motion to Amend the Stipulated Protected ("Motion"), it is hereby

ORDERED that the Motion is GRANTED; and

FURTHER ORDERED that:

1. "Parallel Actions" means the actions brought by the Washington State Attorney General and the Colorado State Attorney General challenging Kroger's proposed acquisition of Albertsons and, to the extent required for clarity, also this action.
2. "Parties" for purposes of this Order means the named Parties to this action and the Parallel Actions, as well as consultants, agents, representatives, or former employees of the named Parties if they are represented by counsel for a Party or if a Party is

paying for their counsel. For the avoidance of doubt, C&S Wholesale Grocers, LLC is a Party for purposes of this Order.

3. "Third Party" or "Third-Party Witness" means all persons that are neither Parties nor persons retained by any of the Parties or the Parties' counsel and from whom a Party sought or is seeking testimony and/or production of documents in the above-captioned action and/or the Parallel Actions.
4. Counsel for the Parties in a Parallel Action may receive unredacted copies of any filings made by a Party that rely solely on materials (1) produced by a Party, (2) produced by a Third Party that has received a subpoena in that Parallel Action, or (3) produced by a Third Party that consents to the disclosure of its cited materials to counsel for the Parties in the Parallel Action. A Party filing that references confidential material from non-consenting Third Parties shall remain redacted as to such material, but references to the above categories of materials shall be unredacted at the request of a Party in a Parallel Action.
5. Counsel for the Parties to the Parallel Actions may receive an unredacted transcript of any testimony of a Party in the above-captioned action, including exhibits referenced therein that may be filed under seal.
6. Counsel for the Parties to the Parallel Actions may receive an unredacted transcript of any testimony of a Third-Party Witness in the above-captioned action, including exhibits referenced therein that may be filed under seal, if the Third-Party Witness was deposed in that Party's respective Parallel Action.
7. With the consent of the Third Party, counsel for Parties in Parallel Actions in which a Third-Party Witness was not deposed may receive an unredacted transcript of any

testimony of that Third-Party Witness, including exhibits referenced therein that may be filed under seal, with the consent of the Third Party.

IT IS SO ORDERED.

  
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UNITED STATES DISTRICT JUDGE

DATED: September 26, 2024